

2009 Montana Legislature

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HOUSE JOINT RESOLUTION NO. 16

INTRODUCED BY M. MACDONALD

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY TO ANALYZE STATE IMPLEMENTATION OF COMPARABLE WORTH GOALS IN STATE PAY PLANS AND DIFFERENCES BETWEEN THE PUBLIC AND THE PRIVATE SECTORS RELATED TO EQUAL PAY FOR COMPARABLE WORK; AND REQUESTING RECOMMENDATIONS FOR GUIDELINES TO INCORPORATE COMPARABLE WORTH VALUES INTO NONGENDER-SPECIFIC, EXISTING CRITERIA USED IN DEVELOPING PAY PLANS.

WHEREAS, 26 years ago the Montana Legislature passed a law requiring the Department of Administration to make "continuous efforts to enhance the current classification plan and pay schedules" and "work toward the goal of establishing a standard of equal pay for comparable worth"; and

WHEREAS, in the past 11 years, much of state government has moved from a 25-grade pay matrix to 9 pay bands, which offers employing agencies flexibility in recruitment, retention, and performance-based pay yet reflects unclear implementation of comparable worth objectives; and

WHEREAS, the reliance on national market rates to develop the pay bands in Montana may perpetuate gender-based distinctions among jobs rather than realign salaries in recognition of comparable worth or comparable value between jobs and occupations; and

WHEREAS, in nearly 11 years there have been 82 claims brought by women in both public and private sector jobs who claimed discrimination in pay based on gender and of these claims roughly one-third resulted in either nonmonetary or monetary settlements or findings, with a total amount of slightly more than \$377,000 in settlements or compensation; and

WHEREAS, annual employee profile reports from the Department of Administration indicate that, even in government where equal pay for equal work may be easier to address than in the private sector, there remain disparities between men's and women's pay in most but not all of the higher-paid occupation groups, with male employees in 2008 in the mid-level pay band earning

an average of \$49,733 compared to an average of \$45,202 earned by women in the same pay band; and

WHEREAS, salary differentials apply almost regardless of the occupation and previously have been linked to differences in job tenure and marriage status but have not been studied in terms of comparable worth to the employing agency or in terms of gender in recruitment, retention, and the value of associated job-related health, pension, and child-care benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to work with the Department of Administration, THE DEPARTMENT OF LABOR AND INDUSTRY and other personnel and human resource offices as needed to ~~investigate~~ CONDUCT A STUDY OF existing state guidelines related to the broadband classification plan and the broadband pay plan and efforts to create comparable worth standards. THE COMMITTEE SHALL CONDUCT THIS STUDY WITHIN EXISTING APPROVED DEPARTMENT BUDGETS.

BE IT FURTHER RESOLVED, that the study include:

~~(1) analysis of public and private sector job titles, job specifications, organizational relationships, and job qualifications in Montana and elsewhere to determine if there are pay differences based on gender within each sector and if there are gender-related pay differences between the public and the private sectors; and~~

~~—(2) examination of a sampling of occupations over a 5-year period to determine if there is a relevant relationship between gender-related pay differences and health and pension benefits, child-care benefits, job tenure, marriage status, or any other factors that influence pay averages for men and women.~~

(1) EXAMINE THE FACTORS INFLUENCING PAY IN THE PUBLIC AND PRIVATE SECTORS, INCLUDING THEIR RELATIONSHIP TO THE PAY AVERAGES FOR MEN AND WOMEN, USING A METHODOLOGY THAT RELIES ON EXISTING RESOURCES AND RESEARCH TO THE MAXIMUM EXTENT POSSIBLE;

(12) examine implementation of the broadband classification plan, the broadband pay plan, and pay-for-performance criteria in all branches of government and assess how or if the plans and criteria incorporate comparable worth assessments of jobs, using as an initial criteria for determining comparable worth whether positions entail comparable skill, effort, responsibility, and working conditions;

(23) INCLUDE BEST PRACTICES USED IN THE PRIVATE AND PUBLIC SECTORS BASED UPON INFORMATION PROVIDED BY THE DEPARTMENT OF ADMINISTRATION;

(34) propose comparable worth standards; and

(45) recommend guidelines and benchmarks to use in developing pay plan schedules that incorporate comparable worth standards within the broadband classification plan and broadband pay plan while recognizing impacts of market rates and pay-for-performance criteria.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2010.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 62nd Legislature.

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